

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA
HOLDEN, and KEITH MCMILLON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GMAC MORTGAGE, LLC, GMAC
BANK and CAP RE OF VERMONT,
INC.,

Defendants.

Civil Action No. 2:07-cv-04296-PD

**DECLARATION OF WENDY M. GARBERS IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Wendy M. Garbers, hereby declare and state as follows:

1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for defendants. I have personal knowledge of the matters set forth herein, and, if called as a witness, could and would competently testify thereto.

2. On May 15, 2008, named plaintiff Donna Moore was deposed in this matter. True and correct copies of excerpts and exhibits, with certain redactions for privacy, from Ms. Moore's deposition are attached as Exhibit 1.

3. On June 23, 2008, named plaintiff Frenchola Holden was deposed in this matter. True and correct copies of excerpts and an exhibit, with certain redactions for privacy, from Ms. Holden's deposition are attached as Exhibit 2.

4. On December 10, 2010, named plaintiff Keith McMillon was deposed in this matter. True and correct copies of excerpts and exhibits from Mr. McMillon's deposition are attached as Exhibit 3.

5. On July 14, 2010, Mortgage Guaranty Insurance Corporation ("MGIC") was deposed in this matter through its representative John Schroeder. True and correct copies of excerpts from the MGIC deposition are attached as Exhibit 4.

6. On August 24, 2010, PMI Mortgage Insurance Co. ("PMI") was deposed in this matter through its representative Brian Roesch. True and correct copies of excerpts from the PMI deposition are attached as Exhibit 5.

7. Attached as Exhibit 6 is a true and correct copy of a report entitled "Mortgage Guaranty Insurance Corporation Analysis of Excess-Of-Loss Reinsurance Program 37.5% Net Premium for 4.3% to 14.3% Layer," dated September 22, 2005 produced by non-party MGIC bearing Bates numbers MGIC_MOORE000034- MGIC_MOORE000077.

8. Attached as Exhibit 7 is a true and correct copy of Freddie Mac's Private Mortgage Insurer Eligibility Requirements (Jan. 2008), available at <http://www.freddiemac.com/singlefamily/pdf/mireqs.pdf>.

9. Attached as Exhibit 8 is a true and correct copy of a report entitled “Mortgage Guaranty Insurance Corporation Analysis of Excess-Of-Loss Reinsurance Program 25% Net Premium for 4.5% to 9.5% Layer,” dated June 24, 2008 produced by non-party MGIC bearing Bates numbers MGIC_MOORE003381- MGIC_MOORE003417.

10. Attached as Exhibit 9 is a true and correct copy of a document entitled, “GMAC Mortgage Corporation Analysis of Excess-of-Loss Reinsurance Program – 37.5% Net Premium with United Guaranty Residential Insurance Company,” dated December 23, 2002 bearing the Bates number CAP RE 000128– CAP RE 000176.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of January 2011 in San Francisco, California.

s/ Wendy M. Garbers
Wendy M. Garbers